

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DONALD STEVEN YAAG,

Petitioner,

v.

ROBERT LeGRAND, *et al.*,

Respondents.

Case No. 3:14-cv-00295-MMD-WGC

ORDER

This represented habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's in proper person motion for the Clerk to present correspondence to his counsel (ECF No. 47), petitioner's counseled motion to file an exhibit under seal (ECF No. 50), and respondents' motion for an enlargement of time (ECF No. 53).

Petitioner's proper person motion will be denied. Petitioner needs to protect the confidentiality of his communications with counsel in order to preserve attorney-client and other privileges. He cannot do so by filing communications with counsel in the record in this matter and/or by trying to communicate with counsel through the Court or Clerk. While clients often become frustrated with attorneys' failure to communicate with them as timely and as often as they would like, this failure often results from the fact that the attorneys are busy trying to do the work required to represent their clients. In all events, petitioner cannot communicate with counsel through the Clerk.


The remaining motions will be granted as per the remaining disposition paragraphs of this order.

1 It therefore is ordered that petitioner's in proper person motion (ECF No. 47) for
2 the Clerk to present correspondence to his counsel is denied.

3 It further is ordered that petitioner's counseled motion to file an exhibit under seal
4 (ECF No. 50) is granted, with the Court finding, in accordance with the requirements of
5 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), that a
6 compelling need to protect the medical privacy and/or personal identifying information of
7 petitioner, the victim, and potentially others with regard to the sealed exhibit outweighs
8 the public interest in open access to court records.

9 It further is ordered that respondents' motion for an enlargement of time (ECF No.
10 53) is granted and the time for respondents to file a response to the amended petition is
11 extended up to and including November 9, 2017.

12 DATED THIS 11th day of October 2017.

13
14 
15 _____
16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28